

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600

[www.montgomerycountymd.gov/content/council/boa/board.asp](http://www.montgomerycountymd.gov/content/council/boa/board.asp)

**Case No. S-2682**

**PETITION OF LINDA F. BAKER AND MICHAEL REPLOGLE**

OPINION OF THE BOARD

(Opinion Adopted January 10, 2007)

(Effective Date of Opinion: February 2, 2007)

Case No. S-2682 is a petition for a special exception pursuant to Section 59-G-2.00 of the Zoning Ordinance to permit an accessory apartment. The Hearing Examiner for Montgomery County held a hearing on the application on November 28, 2006, and on December 15, 2006, issued a Report and Recommendation for approval of the special exceptions.

The subject property is Lot 12, located at 6408 Ruffin Road, Chevy Chase, Maryland, 20815, in the R-60 Zone.

Decision of the Board:	Special Exception Granted Subject To Conditions Enumerated Below.
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The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on January 10, 2007. After careful consideration and review of the record in the case, the Board adopts the Report and Recommendation and **grants** the special exception, subject to the following conditions:

1. Petitioners are bound by the testimony of Linda Baker and their exhibits of record to the extent that such testimony and evidence are identified in the Hearing Examiner's Report and Recommendation and in the Opinion of the Board.
2. The accessory apartment may be inhabited by no more than two unrelated persons, or a family of no more than three persons.

3. Tenants in the accessory apartment are limited to a total of two vehicles.
4. Before the special exception may take effect, Petitioners must submit to the Board of Appeals a revised Lighting Plan showing the removal of the two lights that are currently mounted at a height of 25 feet on the rear of the house, and the replacement of these fixtures with one or two residential-style fixtures to be mounted immediately adjacent to the accessory apartment entrance, and one or two residential-style fixtures to be mounted on the deck posts along the walkway leading from the side-yard stairs to the apartment entrance.
5. Per Code § 59-G-2.00(b)(1), Petitioners must occupy one of the dwelling units on the subject property.
6. Per Code § 59-G-2.00(b)(3), Petitioners must not receive compensation for more than one dwelling unit on the subject property.
7. Petitioners must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein.

On a motion by Caryn L. Hines, seconded by Catherine G. Titus, with Wendell M. Holloway and Allison Ishihara Fultz, Chair in agreement, the Board adopted the following resolution:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

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Allison Ishihara Fultz  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
This 2<sup>nd</sup> day of February, 2007.

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Katherine Freeman  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.